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**Jun 07 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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Appeal from Charleston County  
Court of Common Pleas  
Eugene C. Griffith, Jr., Circuit Court Judge

\_\_\_\_\_  
Circuit Court Cases No. 2018-CP-10-00846, -02131, and -02539

\_\_\_\_\_  
Court of Appeals Case No. 2019-000903  
Opinion No. 5966 (S.C. Ct. App. Filed February 1, 2023)

\_\_\_\_\_  
Supreme Court Case No. 2023-000778

City of Charleston

Petitioner,

v.

City of North Charleston and Millbrook Plantation, LLC,

Respondents.

and

Millbrook Plantation, LLC

Plaintiff,

v.

City of Charleston,

Defendant.

and

City of Charleston,

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC,

Defendants.

\_\_\_\_\_  
**City of North Charleston's Response to City of Charleston's Motion to Exceed Page Limit**

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## **City of North Charleston’s Response to City of Charleston’s Motion to Exceed Page Limit**

The Petitioner in this case requested permission to exceed the page limit in its writ for certiorari in the above-captioned matter due to the alleged complexities of this case. However, the rule and explanation regarding the twenty-five-page limit are clear: “Failure of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be sufficient reason for denying the petition.” SOUTH CAROLINA RULE OF APPELLATE PRACTICE 242(d)(4). This limit exists because the Court wants a “concise statement of the case” and a “direct and concise argument” when reviewing questions presented before it. Rule 242(d)(2) and (3). The claims in this matter were initially filed in circuit court in February 2018. That is sufficient time for the Petitioner to analyze the intricacies of its claims; and as a result, it should be able to present its information and arguments within the allotted page limit.

Unfortunately, it has been the Petitioner’s practice to request extensions – initially for additional time and now for an additional length of pages – despite appellate procedural rules regarding deadlines and page limits, which govern practice and procedure in the Supreme Court and Court of Appeals.<sup>i</sup> Although it is well within a judge or justice’s authority to grant extensions in many situations, constant requests for such are problematic. These rules were created to ensure that cases proceed judiciously throughout the legal process. For these reasons, the City of North Charleston requests that the Court deny the Petitioner’s motion to exceed the page limit.

[SIGNATURE ON THE FOLLOWING PAGE]

Respectfully submitted,

s/ Derk Van Raalte

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<sup>1</sup> The Petitioner requested extensions of time by motion on the following dates: 9/12/2019, 11/15/2019, 12/20/2019, 02/15/2023, 03/08/2023, and 03/15/2023.